

This record is a partial extract of the original cable. The full text of the original cable is not available.

021504Z Nov 05

UNCLAS SECTION 01 OF 02 BOGOTA 010314

SIPDIS

E.O. 12958: N/A

TAGS: [PGOV PHUM CO](#)

SUBJECT: GOC WILL GIVE REPARATIONS TO VICTIMS OF 1997
MAPIRIPAN MASSACRE IN WAKE OF INTER-AMERICAN COURT DECISION

SUMMARY

11. (U) ON OCTOBER 12, FOREIGN MINISTER CAROLINA BARCO SAID COLOMBIA WOULD GIVE REPARATIONS TO THE VICTIMS OF THE 1997 MAPIRIPAN MASSACRE AND IN GENERAL FULFILL ITS INTERNATIONAL OBLIGATIONS IN THE CASE, FOLLOWING THE INTER AMERICAN COURT OF HUMAN RIGHTS DECISION AGAINST COLOMBIA IN THE MATTER, RELEASED OCTOBER 10. THE COURT FOUND THAT COLOMBIA HAD ACCEPTED SOME RESPONSIBILITY FOR THE MASSACRE, BUT WAS LIABLE FOR VIOLATING THE VICTIMS' RIGHTS TO LIFE, PERSONAL INTEGRITY, LIBERTY, JUSTICE, JUDICIAL REMEDY, CHILD PROTECTION AND FREEDOM OF MOVEMENT. THE COURT'S OPINION INCLUDES A 12-POINT PLAN BY WHICH THE COURT EXPECTS COLOMBIA TO ACCEPT RESPONSIBILITY, ENSURE THAT VICTIMS AND THEIR FAMILIES ARE COMPENSATED AND CAN RETURN TO MAPIRIPAN IF THEY WISH, AND COMPLY WITH CERTAIN ADDITIONAL HUMAN RIGHTS CONDITIONS (SEE PARA. 6). THE GOC PROMISED TO RELEASE SPECIFIC DETAILS OF ITS REPARATIONS PLAN AT A LATER DATE.
END SUMMARY.

COURT RULES ON MAPIRIPAN CASE

12. (U) ACCORDING TO A JUDGMENT OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS, RELEASED OCTOBER 10, BETWEEN JULY 15-20, 1997, APPROXIMATELY ONE HUNDRED MEMBERS OF THE UNITED SELF-DEFENSE FORCES (AUC) OF COLOMBIA CAPTURED, TORTURED AND ASSASSINATED AT LEAST 49 CIVILIANS, AFTER WHICH THEY DESTROYED SOME BODIES AND THREW THE REST INTO THE GUAVIARE RIVER, IN THE MUNICIPALITY OF MAPIRIPAN, DEPARTMENT OF META. THE COURT CONCLUDED THE ATTACK WAS CARRIED OUT WITH THE COLLABORATION, AND IN SOME CASES DUE TO THE NEGLIGENCE OF, MEMBERS OF THE COLOMBIAN MILITARY AND CIVIL SERVICE. THE COURT SAID THAT, DESPITE WARNINGS BY SOME OFFICIALS THAT THE AUC GROUP WAS ON THE MOVE TO MAPIRIPAN, THE GOC DID NOT TAKE STEPS TO PREVENT THE MASSACRE.

LEGAL BACKGROUND

13. (U) IN 1999, THE NGOS "COLECTIVO DE ABOGADOS JOSE ALVEAR RESTREPO" AND THE U.S.-BASED "CENTER FOR JUSTICE AND INTERNATIONAL LAW" (CEJIL) BROUGHT THE MATTER TO THE INTER AMERICAN COMMISSION OF HUMAN RIGHTS (IACHR). IN JUNE 2003, THE COMMISSION DECLARED COLOMBIA RESPONSIBLE FOR VIOLATIONS OF HUMAN RIGHTS AND ASKED COLOMBIA TO FULFILL SEVERAL OBLIGATIONS IN CONFORMITY WITH ARTICLE 50 OF THE AMERICAN CONVENTION ON HUMAN RIGHTS: TO MAKE A COMPLETE INVESTIGATION AND DETERMINE RESPONSIBILITY FOR THE ATTACK; TAKE STEPS TO GIVE REPARATIONS TO THE VICTIMS; AND TAKE STEPS TO ENSURE THAT THIS KIND OF ATTACK WOULD NOT HAPPEN AGAIN. COLOMBIA AND THE IACHR WERE UNABLE TO AGREE ON SPECIFIC REMEDIES WITHIN THE IACHR'S REQUIRED RESPONSE PERIOD (60 DAYS), SO THE COMMISSION TOOK THE CASE TO THE INTER-AMERICAN COURT OF HUMAN RIGHTS IN SEPTEMBER, 2003.

14. (U) DURING COURT HEARINGS, COLOMBIA ACCEPTED ITS RESPONSIBILITY FOR HAVING VIOLATED THE RIGHTS TO LIFE, PERSONAL INTEGRITY AND LIBERTY FOR A NUMBER OF MAPIRIPAN VICTIMS. COLOMBIA DID NOT, HOWEVER, ACCEPT RESPONSIBILITY - - AS ACCUSED BY VICTIMS AND THEIR FAMILIES -- FOR VIOLATING THEIR RIGHTS TO JUSTICE, JUDICIAL REMEDY, THE PROTECTION OF CHILDREN, AND FREEDOM OF MOVEMENT, AS THE VICTIMS CLAIMED THEY WERE FORCIBLY DISPLACED AS A RESULT OF THE MASSACRE.

FOREIGN MINISTER PROMISES REPARATIONS

15. (U) ON OCTOBER 12, MINISTER OF FOREIGN AFFAIRS CAROLINA BARCO SAID THAT COLOMBIA WOULD GIVE REPARATIONS TO THE VICTIMS OF THE MASSACRE AND IN GENERAL FULFILL ITS INTERNATIONAL OBLIGATIONS WITH RESPECT TO THE CASE. MFA CONTACTS TOLD US THAT THE GOC IS WORKING ON A SPECIFIC REPARATIONS PLAN, WHICH IT WILL SHARE WITH THE COURT AT A LATER DATE.

TWELVE CONDITIONS FOR SENTENCE

16. (U) THE COURT'S DECISION INCLUDED THE FOLLOWING TWELVE STEPS FOR THE GOC TO TAKE:

-- THE STATE MUST COMPLETE, WITHIN A REASONABLE TIME, AN INVESTIGATION TO DETERMINE THE INTELLECTUAL AND MATERIAL RESPONSIBILITY OF THE AUTHORS OF THE MASSACRE, AS WELL AS OF THE PEOPLE WHOSE COLLABORATION AND ASSENT MADE THE COMMISSION OF THE MASSACRE POSSIBLE;

-- THE STATE MUST IDENTIFY THE EXECUTED VICTIMS AND DISAPPEARED, AS WELL AS THEIR RELATIVES IN A REASONABLE TIME PERIOD;

-- THE STATE MUST DESIGNATE, WITHIN SIX MONTHS, AN OFFICIAL MECHANISM THAT WILL OPERATE FOR TWO YEARS, IN WHICH THE VICTIMS OR THEIR DESIGNATED REPRESENTATIVES WILL PARTICIPATE SO THAT THE GOVERNMENT MAY FOLLOW UP ON THE ADMINISTRATIVE PROCESSES RELATED TO THE ACTS IN MAPIRIPAN, PAY THE INDEMNIFICATION AND COMPENSATION TO THE FAMILIES OF THE VICTIMS, FOLLOW-UP ON THE SEARCH AND IDENTIFICATION OF THE VICTIMS AND THEIR FAMILIES SO THAT THE PAYMENT OF THE INDEMNIFICATION AND COMPENSATION WILL BE MADE WITHIN A YEAR, MAKE A REGISTRY OF THE FAMILY MEMBERS SO THAT THEY WILL NOT BE THE SUBJECTS OF THREATS ESPECIALLY AFTER RECEIVING INDEMNIFICATION, ENSURE THAT THE FAMILIES OF THE VICTIMS RECEIVE THE APPROPRIATE CARE FOLLOWING THEIR TRAUMA, AND COORDINATE THE SECURITY REQUIRED SO THAT THE FAMILIES OF THE VICTIMS AS WELL AS OTHER FORMER RESIDENTS OF MAPIRIPAN CAN RETURN TO MAPIRIPAN IF THEY WISH;

-- THE STATE SHALL PROVIDE FREE MEDICATION TO THE FAMILIES OF THE VICTIMS WHO HAVE BEEN IDENTIFIED, AND, WHEN APPROPRIATE, TO FAMILIES OF OTHER VICTIMS WHEN IDENTIFIED;

-- THE STATE SHALL GUARANTEE THE SECURITY CONDITIONS SO THAT THE RELATIVES OF THE VICTIMS, AS WELL AS OTHER FORMER RESIDENTS OF MAPIRIPAN THAT HAVE BEEN DISPLACED, CAN RETURN TO MAPIRIPAN IF THEY WISH;

-- THE STATE MUST CONSTRUCT, WITHIN A YEAR, AN APPROPRIATE AND WORTHY MONUMENT TO REMEMBER THE FACTS OF THE MASSACRE OF MAPIRIPAN;

-- THE STATE MUST IMPLEMENT, IN A REASONABLE TERM, PERMANENT PROGRAMS OF EDUCATION IN HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW WITHIN THE COLOMBIAN ARMED FORCES, AT EVERY LEVEL OF THE HIERARCHY;

-- THE STATE MUST PUBLISH, WITHIN THE TERM OF SIX MONTHS, IN THE OFFICIAL NEWSPAPER AND ANOTHER NEWSPAPER OF NATIONAL CIRCULATION, THE SECTION OF THIS SENTENCE CALLED "PROVEN FACTS," AND THE SECTION CALLED "INTERNATIONAL RESPONSIBILITY OF THE STATE;"

-- THE STATE MUST PAY US \$1,025,000 TO THE RELATIVES OF THE VICTIMS GIVEN IN PARAGRAPHS 274 AND 278 AS MATERIAL DAMAGES;

-- THE STATE MUST PAY US \$6,601,000 TO THE RELATIVES OF THE VICTIMS GIVEN IN PARAGRAPHS 288 AND 290 AS IMMATERIAL DAMAGES, WITH AN ADDITIONAL US \$50,000 TO BE PAID FOR EVERY MOTHER, FATHER, SPOUSE, OR CHILD WHO IS IDENTIFIED, AN ADDITIONAL US \$8,500 FOR EVERY BROTHER OR SISTER WHO IS IDENTIFIED, AND AN ADDITIONAL US \$5,000 FOR EVERY MINOR CHILD WHO IS IDENTIFIED;

-- THE STATE MUST PAY US \$20,000 AS COSTS AND EXPENSES TO THE JOS ALVEAR RESTREPO LAWYERS' COLLECTIVE AND US \$5,000 AS COSTS AND EXPENSES TO CEJIL;

-- THE COURT WILL SUPERVISE THE COMPLETE FULFILLMENT OF THE TERMS OF THE SENTENCE AND WILL CONSIDER IT CLOSED ONCE THE STATE HAS EXACTLY COMPLETED ALL OF THE CONDITIONS. WITHIN A YEAR THE STATE WILL HAVE TO GIVE THE COURT A REPORT ON ITS MEASURES TO FULFILL THE TERMS OF THE COURT'S DECISION.

WOOD